IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 218/2006

SMT. MAYA & ANR. Vs. SURESH CHAND

Date of order: 21.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Kamlendra Sihag for
Mr. Biri Singh for the petitioner.

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None appeared on behalf of the respondent despite service.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 23.01.2006 passed by the Additional Sessions Judge, Laxmangarh, District Alwar in Criminal Revision No. 36/2005, whereby the Revisional Court while modifying the judgment dated 17.03.2005 passed by the Additional Chief Judicial Magistrate, Laxmangarh, has partly allowed the criminal revision filed by the respondent Suresh Chand and reduced the maintenance amount from Rs. 1,500/- to Rs. 1,000/- so far as petitioner No.1 Smt. Maya is concerned and from Rs. 1,000/- to Rs. 500/- as regards

petitioner No.2 Yogesh Kumar, son of the respondent Suresh Chand.

The Additional Chief Judicial Magistrate, Laxmangarh, District Alwar vide its judgment dated 17.03.2005 allowed the application of the petitioners moved under Section 125 Cr.P.C. and granted maintenance of Rs. 1,500/- per month in favour of the petitioner No.1 Smt. Maya and Rs. 1,000/- per month in favour of the petitioner No.2 Yogesh Kumar w.e.f 28.10.2002.

Having considered the submissions made by the learned counsel for the petitioners and after having gone through the impugned order dated 23.01.2006 passed by the Revisional Court as well as the order dated 17.03.2005 passed by the trial Court, I am of view that the Revisional Court has committed an error while reducing the amount of maintenance as the trial Court i.e. the Additional Chief Judicial Magistrate, Laxmangarh has considered each and every aspect including the income of the respondent-husband and has rightly granted maintenance of Rs. 1,500/- and Rs. 1,000/- per month in favour of the petitioner Nos. 1 and 2 respectively vide its order dated 17.03.2005.

For these reasons, the impugned order dated 23.01.2006 passed by the Revisional Court deserves to

be quashed and set-aside and the same is hereby quashed and set-aside and the order of the trial Court dated 17.03.2005 is upheld.

The revision petition stands allowed.

(K.S. RATHORE),J.

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